

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/768,788
Filing Date	30 January 2004
First Named Inventor	Anthony J. Berno
Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	100/1026-10

Total Number of Pages in This Submission

5

ENCLOSURES (Check all that apply)

- | | | |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance communication to Technology Center (TC) |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
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| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | Remarks | |
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Deana A. Arnold, Ph.D.
Signature	<i>Deana A. Arnold</i>
Date	May 5, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Paulette D. Isler		
Signature	<i>Paulette D. Isler</i>	Date	5 May 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application)	<u>PATENT APPLICATION</u>
)	
Inventor(s): Anthony J. Berno, et al.)	
)	Art Unit: Unassigned
Application No.: 10/768,788)	
)	Examiner: Unassigned
Filed: 30 January 2004)	
)	
Title: Apparatus And Methods For Analyzing)	
And Characterizing Nucleic Acid Sequences)	

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Mail Stop Patent Application
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madame:

The references cited on the attached form PTO-1449 are being called to the attention of the Examiner. With the exception of the cited U.S. patents and U.S. patent application publications, copies of the other references listed are enclosed herewith.


It is respectfully requested that the cited information be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

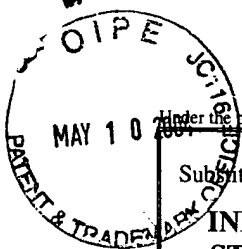
- ☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage
-- OR --
- ☒ (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☐ a certification as specified in §1.97(e) is provided below; or
- ☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
- B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**
- C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☒ **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of \$0 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-2043 (Docket No. 100/1026-10).

Respectfully submitted,

PERLEGEN SCIENCES, INC.

Dated: May 5, 2004 By: 
Deana A. Arnold, Ph.D., Reg. No. 52,567

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Customer No. 31662



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Substitute for form 1449A/PTO				Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Application No.	10/768,788	
				Filing Date	30 January 2004	
				First Named Inventor	Anthony J. Berno et al.	
				Art Unit	Unassigned	
				Examiner Name	Unassigned	
Sheet	1	Of	2	Attorney Docket No.	100/1026-10	
U.S. PATENT DOCUMENTS						
Examiner's Initials	Cite No. ¹	Document No.	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
		Number-Kind Code ² (if known)				
		US-5,800,992		Fodor et al.		
		US-5,861,242		Chee et al.		
		US-6,228,593		Lipshutz et al.		
		US-6,342,355		Hacia et al.		
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FOREIGN PATENT DOCUMENTS						
Examiner's Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
EXAMINER SIGNATURE				DATE CONSIDERED		

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional) 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
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				Filing Date	30 January 2004
				First Named Inventor	Anthony J. Berno et al.
				Art Unit	Unassigned
				Examiner Name	Unassigned
Sheet	2	of	2	Attorney Docket No.	100/1026-10

OTHER PRIOR ART – NON PATENT RELATED DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of author (in CAPITAL LETTERS), title of the article (when appropriate), title of the Item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published	T ²
		LINDBLAD-TOH, K., et al., Loss-Of-Heterozygosity Analysis of Small-Cell Lung Carcinomas Using Single-Nucleotide Polymorphism Arrays, <i>Nature Biotechnology</i> (2000) Vol. 18, pages 1001-1005.	
		MEI, R. et al., Genome-Wide Detection of Allelic Imbalance Using Human SNPs And High-Density DNA Arrays, <i>Genome Research</i> (2000) Vol. 10 (8): pages 1126-1137.	
		NAEF, F., et al., Empirical Characterization Of The Expression Ratio Noise Structure In High-Density Oligonucleotide Arrays, <i>Genome Biology</i> (2002) Vol. 3 (4): research0018.1-0018.11.	
EXAMINER SIGNATURE		DATE CONSIDERED	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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